



## महाराष्ट्र शासन राजपत्र

### असाधारण भाग पाच-अ

वर्ष ५, अंक १२ (३)]

सोमवार, डिसेंबर १६, २०१९/अग्रहायण २५, शके १९४१ [पृष्ठे ६, किंमत : रुपये ३६.००

असाधारण क्रमांक ३५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

#### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the **16<sup>th</sup> December, 2019** is published under Rule 117 of the Maharashtra Legislative Assembly Rules.

#### L. A. BILL No. XLV OF 2019.

##### A BILL

*to provide for temporary postponement of elections of the President, Vice-President and Chairmen of the Subjects Committees of certain Zilla Parishads and the Chairmen and Deputy Chairmen of certain Panchayat Samitis on account of ensuing general elections to the State Legislative Assembly.*

WHEREAS general elections to the State Legislative Assembly were likely to be held sometime in the month of October 2019 ;

AND WHEREAS the term of offices of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and Chairmen and Deputy Chairmen of certain *Panchayat Samitis* were due to expire in August-September 2019;

AND WHEREAS on account of then ensuing general elections to the Maharashtra Legislative Assembly, all the Collectors and staff of the Collectorate of the Districts as well as the police personnel in the Districts were busy with preparation for the ensuing general elections to the Maharashtra Legislative Assembly and would had totally occupied with the pre and post elections duties;

AND WHEREAS to rule out any possible overlapping of the said elections and any possible undue pressure on civil and police administration and any law and order problem or inconvenience to the citizens as well as to the candidates, and electors concerned, it was considered expedient to temporarily postpone the elections of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* for a period of four months ;

AND WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to provide for temporary postponement of elections of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis*, for the reasons aforesaid; and therefore, promulgated the Maharashtra *Zilla parishads* and Panchayat Samitis temporary postponement of Elections of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Ordinance, 2019, on the 23rd August 2019;

Mah.  
Ord.  
XXII of  
2019.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Seventieth Year of the Republic of India as follows :—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections (of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Act, 2019 ;

(2) It shall be deemed to have come into force on the 23rd August 2019.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “*Panchayat Samiti*” means a Panchayat Samiti Constituted under the *Zilla Parishads Act* ;

(b) “*Zilla Parishads*” means a Zilla Parishad constituted under the *Zilla Parishads Act* ;

(c) “*Zilla Parishads Act*” means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

Mah. V  
of 1962.

(d) words and expressions used in this Act and not defined herein shall, in relation to any *Zilla Parishad* or *Panchayat Samiti*, have the same meaning assigned to them in the *Zilla Parishads Act*.

3. (1) Notwithstanding anything contained in the Zilla Parishad Act or the rules made thereunder or in any judgement, decree or order of any Court,—

(a) no election to the offices of the President, Vice-President and the Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat samitis*, after expiry of two and half years, during the current term of such *Zilla Parishad* or *Panchayat Samiti*, as the case may be, shall be held for a period of one hundred and twenty days from the date of coming into force of this Act, or till such earlier date as the State Government may, by notification in the *Official Gazette*, specify (hereinafter in this Act referred to as “the said period”);

(b) the term of office of the President, Vice-President and the Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat samiti*, elected after the said period shall be co-terminous with the term of the elected Councillors or Members, as the case may be;

(2) Notwithstanding anything contained in sub-section (1), after the term of office of the President, Vice-President and the Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat samitis* as extended by this Act expires, they shall continue to hold office untill the new President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis* have been elected under the Zilla Parishads Act.

4. All the President, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishad* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, whose term of offices are deemed to have been extended or are extended, as the case may be, under section 3 shall, throughout the extended period, be deemed to have been and be competent to exercise all the powers, perform all the duties and discharge all the functions as such President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*; and no act done by any of them during said period shall be invalid, or shall be called in question in any Court, merely on the ground that during such extended period, the President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, could not exercise all or any of the powers or perform all or any of the duties or discharge all or any of the functions of the President, Vice-President and Chairmen of the subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*.

5. Notwithstanding anything contained in this Act, arrangements shall be made by the Collectors and other officers concerned to hold the elections of the Presidents, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, in accordance with the provisions of the *Zilla Parishads* Act and the rules made thereunder, before, or as soon as possible, after the expiration of the extended term of office of the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*.

Postponement of elections of Presidents, Vice-Presidents and Chairmen of Subjects Committees and Chairmen and Deputy Chairmen of Panchayat Samitis and extension of term of their office.

Powers of Presidents, Vice-Presidents and Chairmen of Subjects Committees and Chairmen and Deputy Chairmen of Panchayat Samitis whose term of office stands extended and validation of certain Act.

Arrangements to hold election of Presidents, Vice-Presidents and Chairmen of Subjects Committees of Zilla Parishads and Chairmen and Deputy Chairmen of Panchayat Samitis.

Power to  
remove  
difficulty.

6. (1) If any difficulty arises in giving effect to the provisions of this Act or by reason of anything contained therein, or in giving effect to the Zilla Parishads Act in respect of any matter contained in this Act, the State Government may as occasion arises, by order, published in the *Official Gazette*, do anything which appears to it to be necessary for the purpose of removing the difficulty :

Provided that, no such order shall be made after expiry of period of six months from the date of commencement of this Act.

(2) Every such order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Removal of  
doubt.

7. For the removal of doubt, it is hereby declared that, nothing contained in this Act shall apply in respect of the election of the offices of the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, to be held immediately after the general election to the *Zilla Parishad* and the *Panchayat Samiti*, as the case may be.

Repeal of  
Mah. Ord.  
XXII of 2019  
and saving.

8. (1) The Maharashtra Zilla Parishad and Panchayat Samiti Temporary Postponement of Elections (of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads*, and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Ordinance, 2019 is hereby repealed.

Mah.  
Ord.  
XXII of  
2019.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

As per the existing provisions of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), in the State, the tenure of the offices of the President, Vice-President and Chairmen of the Subjects Committees of the *Zilla Parishads* and Chairmen and Deputy Chairmen of the Panchayat Samitis is two and a half years. In some of the *Zilla Parishads* and *Panchayat Samitis*, the term of offices of the Presidents, Vice-Presidents, and Chairmen of the Subjects Committees of the *Zilla Parishads*, the Chairmen and Deputy Chairmen of the *Panchayat Samitis*, were due to expire in the months of August-September 2019.

2. The then general elections to the State Legislative Assembly were likely to be held sometime in the month of October 2019. On account of the said general elections to the Maharashtra Legislative Assembly, all Collectors and staff of the Collectorate of the Districts as well as the police personnel in the Districts were busy with preparation for the said general elections and would have been totally occupied with the pre and post election duties. To rule out any possible overlapping of the said elections and any possible undue pressure on civil and police administration and any law and order problem or any inconvenience to the citizens as well as to the candidates and the electors concerned, it was considered expedient to temporarily postpone the elections of the Presidents, Vice-Presidents and Chairmen of the Subjects Committees of the *Zilla Parishads* and the Chairmen and Deputy Chairmen of the Panchayat Samitis, for a period of one hundred and twenty days.

3. As both House of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to provide for temporary postponement of elections to the offices of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of the certain Panchayat Samitis, on account of ensuing general elections to the Maharashtra Legislative Assembly and for certain other incidental matters, the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Temporary Postponement of elections (of the President, Vice-President and Chairmen of the Subjects Committees of certain *Zilla Parishads* and the Chairmen and Deputy Chairmen of certain *Panchayat Samitis* due to ensuing general elections to the State Legislative Assembly) Ordinance, 2019 (Mah. Ord. XXII of 2019), was promulgated by the Governor of Maharashtra, on the 23<sup>rd</sup> August 2019.

4. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,  
Dated the 15<sup>th</sup> December, 2019.

CHAGAN CHANDRAKANT BHUJBAL,  
Minister for Rural Development.

## MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for delegation of legislative powers, namely :—

*Clause 3(1).*—The Act is intended to remain in force for a period of one hundred and twenty days from the date of commencement of this Act. However, under this clause, power is taken to the State Government to shorten the period of operation of this Act, if considered necessary, by issuing a notification in the *Official Gazette*.

*Clause 6.*—Under this clause, power is taken to the State Government to take an action by an order published in the *Official Gazette*, for removing the difficulty in giving effect to the provisions of this Act.

2. All the above proposals for delegation of legislative power are of a normal character.

**Vidhan Bhavan :**

Nagpur,

Dated the 16<sup>th</sup> December, 2019.

**RAJENDRA BHAGWAT,**

Secretary (Incharge),

Maharashtra Legislative Assembly.